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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/306,510	05/07/1999	ALEJANDRO GABRIEL SHCROTT	YO999-097	3541
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MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			EXAMINER BROWN, VERNAL U	
			ART UNIT 2635	PAPER NUMBER

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/306,510

Applicant(s)

SHCROTT ET AL.

Examiner

Vernal U Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8-16 and 18-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8-16,18-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

This action is responsive to communication filed on July 06, 2004.

#### ***Response to Amendment***

The examiner has acknowledged the amendment of claims 1, 5, 9, 15, 19, 21, 23, 24-27.

#### ***Response to Arguments***

Regarding applicant's argument concerning the combination of elements such that both a tag attached to an object and a smart card are combined to provide security, Muhme teaches a tag (20) attached to an object (12) and an user identification card coupled to the tag for providing (col. 3 lines 4-7) for providing identification. The reference of Yeardon is further relied upon for teaching the use of smart card as an identification means (col. 5 line 67- col. 6 line 1) which therefore renders the combination of the tag and smart card obvious.

Regarding applicant argument concerning disabling the gate, Muhme teaches the alarm is activated when the base station detect an unauthorized attempt to remove an item from the facility (col. 3 lines 38-43) and Muhme further teaches disabling the security gate without disabling the tag device by deactivating a lock (col. 4 lines 6-15).

Regarding applicant's argument concerning the use of the smart card for disabling the security gate, the limitation of using the smart card to disable the security gate is claimed. Applicant's claimed the smart card contain the identification profile of the authorized user and the computer is used to disable the security gate if the person presenting the smart card is determined to be authorized.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-7, 10, 15, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muhme U.S Patent 5886634 and in view of Yeadon U.S Patent 6393339.

Regarding claim 1, Muhme teaches a system for preventing the theft of an object (figure 1), comprising;

an electronic article surveillance (EAS) device (20) operatively attached to an object (12), a security path for detection of the EAS device (col. 2 lines 50-53), the security path including a security gate (16);

a reader (18) operatively coupled to the security path (col. 3 lines 26-27) and associated with the security gate (figure 1);

an user identification card being read by the reader (col. 3 lines 4-7).

Muhme further teaches disabling the security gate without disabling the tag device by deactivating a lock (col. 4 lines 6-15). Muhme teaches triggering an alarm by the EAS device when a person is unauthorized to move an object through the security gate and also teaches the turning off of the alarm by the base station (18) (col. 8 lines 11-14) and the base station is control by a computer (col. 3 lines 43-51) but is however silent on teaching a smart card containing an identification profile of an authorized user and the disabling of the security gate if a person entering the security path is authorized to

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remove the object. Yeadon in an art related Computerized Stock Control System invention teaches a smart card with user identification information that enables the removal of articles from a dispensing station (col. 5 line 67- col. 6 line 1).

It would have been obvious to one of ordinary skill in the art to have a smart card containing an identification profile of an authorized in Muhme as evidenced by Yeadon because Muhme suggests an security system with an EAS device and Yeadon teaches the use of a smart card with user identification information that enables the removal of an object from a secured area in order to provide a more secure system.

Regarding claim 4, Muhme teaches an EAS device comprises a radio frequency tag (col. 3 lines 22).

Regarding claim 5, Muhme teaches the gate incorporating an interrogation zone (col. 3 lines 12-15) and identifying a user by using a card reader to read the user's identification information (col. 3 lines 16-17). The gate is therefore built integrally with the reader because the gate is operated based on the information read by the card reader.

Regarding claim 6, Muhme teaches a database (38) including information regarding authorized user (col. 5 lines 14-15).

Regarding claim 10, Muhme teaches a storage device (38) database containing information regarding authorized user (col. 3 lines 46-47).

Regarding claim 15, Muhme teaches a system for preventing the theft of an object (figure 1), comprising;

an electronic article surveillance (EAS) device (20) operatively attached to an object (12), a security path for detection of the EAS device (col. 2 lines 50-53), a reader

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(18) operatively coupled to the security path (col. 3 lines 26-27) and associated with the security gate (figure 1);

an user identification card being read by the reader (col. 3 lines 4-7). Muhme further teaches disabling the security gate without disabling the tag device by deactivating a lock (col. 4 lines 6-15). Muhme also teaches the turning off of the alarm by an authorized person subsequent to the activation of the alarm (col. 8 lines 11-14) but is however silent on teaching a smart card containing an identification profile of an authorized user. Yeadon in an art related Computerized Stock Control System invention teaches a smart card with user identification information that enables the removal of articles from a dispensing station (col. 5 line 67- col. 6 line 1).

It would have been obvious to one of ordinary skill in the art to have a smart card containing an identification profile of an authorized in Muhme as evidenced by Yeadon because Muhme suggests an security system with an EAS device and Yeadon teaches the use of a smart card with user identification information that enables the removal of an object from a secured area in order to provide a more secure system.

Regarding claim 18, Muhme teaches an EAS device comprises a radio frequency tag (col. 3 lines 22).

Regarding claim 19, Muhme teaches the gate incorporating an interrogation zone (col. 3 lines 12-15) and identifying a user by using a card reader to read the user's identification information (col. 3 lines 16-17). The gate is therefore built integrally with the reader because the gate is operated based on the information read by the card reader.

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Regarding claim 20, Muhme teaches providing a computer with a database regarding information of the authorized user (col. 3 lines 46-47) and coupling an alarm to the security path (figure 1).

Claims 2 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muhme U.S Patent 5886634 in view of Yeadon U.S Patent 6393339 and further in view of Bacon U.S Patent 5984388.

Regarding claims 2 and 16, Muhme in view of Yeadon teaches the use of a magnetic tag (20) for identification purposes but is silent on the teaching of an acousto-magnetic tag. Bacon in an art related EAS tag invention teaches the use of an acousto-magnetic tag to secure an article (col. 4. line 9).

It would have been obvious to one of ordinary skill in the art to use an acousto-magnetic tag in Muhme in view of Yeadon as evidenced by Bacon because Muhme in view of Yeadon suggests the use of a magnetic type tag and an alarm sound is produce when an activated tag passes through a controlled exit. An acoustic-magnetic tag as evidenced by Bacon is a magnetic tag that gives rise to an acoustic signal due to magnetic excitation. An acousto-magnetic tag is therefore compatible with Muhme in view of Yeadon in that the tag is excited magnetically and a sound is produce from the magnetically excitation of the tag.

Claims 8 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muhme U.S Patent 5886634 in view of Yeadon U.S Patent 6393339 and further in view of Nelson, Jr. U.S Patent 6297727.

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Regarding claim 8, Muhme. in view of Yeadon is silent on teaching a video receiver operatively coupled to the security path and the video receiver is activated upon interrogating the EAS device. Nelson, Jr. in an art related Transponder Identification And Record Assembly invention teaches the enhancement of an article surveillance system by using a video record to the transportation of an item through a security gate (col. 10 lines 18-24).

It would have been obvious to one of ordinary skill in the art to have a video receiver operatively coupled to the security path and the video receiver is activated upon interrogating the EAS device in Muhme in view of Yeadon as evidenced by Nelson, Jr. because Muhme in view of Yeadon suggests a EAS system for ensuring the passage of an article through a security gate by authorize persons only and Nelson, Jr. teaches having a video receiver to record a person transporting an item without authorization through a security gate in order to have evidence of an unauthorized person transporting an object through a security gate.

Claims 9 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muhme U.S Patent 5886634 and in view of Yeadon U.S Patent 6393339 and further in view of Lemelson U.S Patent 4471343.

Regarding claim 9, Muhme teaches an authorized user is allowed free passage when the user exhibit an identification card (col. 3 lines 4-7) but is silent on teaching the authorized person exhibiting a smart card. Yeadon in an art related Computerized Stock Control System invention teaches a smart card with user identification information that enables the removal of articles from a dispensing station (col. 5 line 67- col. 6 line 1).



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It would have been obvious to one of ordinary skill in the art for an authorized person to exhibit a smart card in Muhme as evidenced by Yeadon because Muhme suggests the use of an identification card with user identification information and Yeadon teaches an identification card in the form of a smart card with user identification information that enables the removal of an object from a secured area in order to enhance the security of the antitheft system.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muhme U.S Patent 5886634 and in view of Yeadon U.S Patent 6393339 and further in view of Chambers U.S Patent 4881061.

Regarding claim 11, Muhme in view of Yeadon teaches providing egress and ingress information (col. 3 lines 48-50) but is silent on teaching recording the time and date and user identity relating to passage through the security path. Chambers in an art related Article removal Control System teaches a system for preventing the theft of an object that records the time and date and user identity relating to passage through the security path (col. 4 lines 7-9).

It would have been obvious to one of ordinary skill in the art to record the time and date and user identity relating to passage through the security path in Muhme in view of Yeadon because Muhme in view of Yeadon suggests providing egress and ingress information in an article removal system and Chambers teaches a system for preventing

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the theft of an object that records the time and date and user identity relating to passage through the security path.

Regarding claims 12 and 13, Muhme in view of Yeadon teaches a contact-less card (figure 1) but is silent on teaching the use of a direct contact smart card. Chambers in an art related Article removal Control System teaches the use of contact-less card reader such as optical scanner (col. 4 lines 8-11) but also teaches the replacement of optical card reader with other card reader that requires passing the card over the card reader (direct contact) (col. 8 lines 21-26).

It would have been obvious to one of ordinary skill in the art to use a direct contact smart card in Muhme in view of Yeadon because Muhme in view of Yeadon suggests using a contact-less card and Chambers teaches replacing a non-contact card with a direct contact card.

Regarding claim 14, Muhme is silent on teaching a smart card comprising a magnetic strip. Yeadon in an art related Computerized Stock Control System invention teaches a smart card with user identification information that enables the removal of articles from a dispensing station (col. 5 line 67- col. 6 line 1) but is silent on teaching the use of a magnetic strip on the smart card. The use of magnetic strip on an identification card represents a conventional practice as evidenced by Chambers (col. 8 lines 22-23).

It would have been obvious to one of ordinary skill in the art to have a smart card with a magnetic strip in Muhme as evidenced by Yeadon in view of Chambers because Muhme in view of Yeadon suggests providing a smart card with user identification information that enables the removal of an object from a secured enclosed area. Smart

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cards further provide additional security to the antitheft system. The use of magnetic strip on an identification card represents a conventional practice as evidenced by Chambers.

Claim 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muhme U.S Patent 5886634 in view of Yeadon U.S Patent 6393339 and further in view of Bowers et al. U.S Patent 5883582.

Regarding claim 21, Muhme teaches a system for preventing theft of an object (figure 1), comprising:

an electronic article surveillance (EAS) device (20) operatively attached to an object;

a security path (16) for detection of the EAS device;

a reader (18) operatively coupled to the security path;

a computer (40) attached to the reader, the computer disabling a security gate if a person entering the security path is authorized to remove the object (col. 4 lines 6-15). Muhme teaches a tag containing identification profile of the user (col. 2 line 55). Muhme also teaches the turning off of the alarm by an authorized person subsequent to the activation of the alarm (col. 8 lines 11-14) but is silent on teaching the EAS device (tag)

continuously output a signal to the security path and a smart card read by the reader and the smart card containing an identification profile of an authorized user of the object.

Yeadon in an art related Computerized Stock Control System invention teaches a smart card with user identification information that enables the removal of articles from a dispensing station (col. 5 line 67- col. 6 line 1) by providing identification information of the user and one skilled in the art recognizes that it is a conventional practice for a tag to continuously transmit its identification information while in the interrogation zone as evidenced by Bowers et al. (col. 4 lines 1-2).

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It would have been obvious to one of ordinary skill in the art for the EAS device (tag) to continuously output a signal to the security path and to have a smart card read by the reader and the smart card containing an identification profile of an authorized user of the object in Muhme as evidenced by Yeadon because Muhme suggest the use of a data carrier for containing an identification profile of the user and Yeadon teaches a data carrier in the form of a smart card for containing an identification profile of the user. One skilled in the art further recognizes that it is a conventional practice for a tag to continuously transmit its identification information while in the interrogation zone as evidenced by Bowers et al.

Regarding claim 22, Muhme teaches the use of a tag associated with the item (20) forming the EAS device and a tag (22) associated with the person for providing the identification profile. The signal transmitted from the EAS device is therefore independent of the signal from the tag containing the identification information of the person.

Regarding claims 23-24, Muhme teaches the computer opens the security gate when the identification profile is that of an authorized user (col. 4 lines 13-15) and deactivate an alarm (col. 4 lines 19-21) but is silent on teaching the use of a smart card. Yeadon in an art related Computerized Stock Control System invention teaches a smart card with user identification information that enables the removal of articles from a dispensing station (col. 5 line 67- col. 6 line 1) by providing identification information of the user.

It would have been obvious to one of ordinary skill to have a smart card read by the reader and the smart card containing an identification profile of an authorized user of

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the object in Muhme as evidenced by Yeadon because Muhme suggest the use of a data carrier for containing an identification profile of the user and Yeadon teaches a data carrier in the form of a smart card for containing an identification profile of the user.

Regarding claim 25, Muhme in view of Yeadon teaches activating an alarm when an unauthorized person attempt to remove an object (col. 4 lines 16-20) but is silent on teaching a video image is captured each time the alarm is activated. Nelson, Jr. in an art related Transponder Identification And Record Assembly invention teaches capturing a video image when an alarm is activated (col. 10 lines 18-24) but is silent on teaching the use of a video camera to capture a video image however one skilled in the art recognizes that video cameras are conventionally used to capture video images relating to a security system.

It would have been obvious to one of ordinary skill in the art to capture a video image each time the alarm is activated in Muhme in view of Yeadon as evidenced by Nelson, Jr. because Muhme in view of Yeadon suggests activating an alarm when an unauthorized person attempt to remove an object and Nelson, Jr. teaches capturing a video image when an alarm is activated and one skilled in the art recognizes that video cameras are conventionally used to capture video images relating to a security system in order to provide identification information.

Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muhme U.S Patent 5886634 in view of Yeadon U.S Patent 6393339 in view of Nelson, Jr. U.S Patent 6297727 and further in view of Clare U.S Patent 5745036.

Regarding claims 26-27, Muhme. in view of Yeadon in view of Nelson, Jr. teaches activating an alarm when an unauthorized person attempt to remove an object and

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capturing a video image when an alarm is activated (col. 4 lines 16-20, U.S. Patent 5886634) and (col. 10 lines 18-24, U.S. Patent 6297727) but is silent on teaching a video image is capture each time the alarm is turned off and when the smart card includes the identification profile of the authorized user. One skilled in the art recognizes that it is conventional practice to video taped (using a video camera) all egress and ingress activities at a security gate as is evidenced by Clare (col. 7 lines 40-46) and the taping of all the activities at the security gate includes capturing a video image each time the alarm is turned off and when the smart card includes the identification profile of the authorized user.

It would have been obvious to one of ordinary skill in the art to capture a video image each time the alarm is turned off and when the smart card includes the identification profile of the authorized user in Muhme in view of Yeadon in view of Nelson, Jr. as evidenced by Clare because Muhme in view of Yeadon in view of Nelson, Jr. suggests activating an alarm when an unauthorized person attempt to remove an object and capturing a video image when an alarm is activated and one skilled in the art recognizes that it is conventional practice to video taped all egress and ingress activities at a security gate as is evidenced by Clare and the taping of all the activities at the security gate includes capturing a video image each time the alarm is turned off and when the smart card includes the identification profile of the authorized user.

Regarding claims 28-29, Muhme in view of Yeadon teaches an alarm (30) coupled to a theft detection system (figure 1) and is activated when the unauthorized removal of an item is detected (col. 3 lines 26-28) but is silent on teaching the turning off of the alarm by a person authorized to remove an object. Lemelson in an art related

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electronic detection system teaches the turning off of the alarm by a person authorized to remove an object (col. 12 lines 20-25).

It would have been obvious to one of ordinary skill in the art to off of the alarm by a person authorized to remove an object subsequent to the activation of the alarm by an unauthorized person in Muhme in view of Yeadon as evidenced by Lemelson because Muhme in view of Yeadon suggests an alarm (30) coupled to a theft detection system and Lemelson teaches the turning off of the alarm by a person authorized to remove an object subsequent to the activation of the alarm by an unauthorized.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-6:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown  
September 27, 2004

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